

10/551417  
JC12 Rec'd PCT/PTC 30 SEP 2005

**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q90549

Nobuaki KUSHIDA, et al.

Appln. No.: National Stage Entry of PCT/JP2004/004416

Confirmation No.: Unknown

Group Art Unit: Unknown

Filed: September 30, 2005

Examiner: Unknown

For: NOVEL PHYSIOLOGICALLY ACTIVE SUBSTANCES PF127OA, B AND C  
SUBSTANCES

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

INFORMATION DISCLOSURE STATEMENT  
National Stage Entry of PCT/JP2004/004416

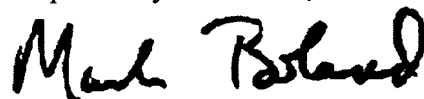
filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, a brief explanation submitted herewith constitutes a concise statement of relevance for Japanese Patent Application Publication Number 6-87742, which is also cited and discussed on page 3 in the specification of the application. Applicants also are submitting a copy of the corresponding International Search Report which cites WO 01/74813.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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23373

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Date: September 30, 2005

Substitute for Form 1449 A & B/PTO  <b><u>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</u></b>  <i>(use as many sheets as necessary)</i>				Complete if Known <b>10/551417</b>	
				Application Number	National Stage Entry of PCT/JP2004/004416
				Confirmation Number	Unknown
				Filing Date	September 30, 2005
				First Named Inventor	Nobuaki KUSHIDA
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	1	of	1	Attorney Docket Number	Q90549

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US 5,321,039	A	06-14-1994	Jean C. Schwartz, et al.
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> <i>(if known)</i>			
		EP	0 531 219	A1	09-04-1992	SOCIETE CIVILE BIOPROJET INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE (INSERM)	
		WO	01/74813	A2	10-11-2001	ORTHO MCNEIL PHARMACEUTICAL INC.	
		JP	6-87742	A	03-29-1994		No

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		International Search Report dated May 11, 2004	
		Ronald Mierzwa, et al., "VERONGAMINE, A NOVEL BROMOTYROSINE-DERIVED HISTAMINE H <sub>3</sub> -ANTAGONIST FROM THE MARINE SPONGE VERONGULA GIGANTEA", Journal of Natural Products, Vol. 57, No. 1, January 1994, Pages 175-177	
		Judith Polonsky, et al., "Isolation and Structure (X-Ray Analysis) of Marcfortine A, a New Alkaloid from <i>Penicillium roqueforti</i> ", J.C.S. Chem. Comm., 1980, 2 pages	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.